



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1994

Mr. Burton F. Raiford
Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

OR94-676

Dear Mr. Raiford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27431.

The Texas Department of Human Services ("the department") received a request for "any and all copies of 3618 admission and discharge forms or any compilation of same for 1993 through 1994 for . . . the Amistad Nursing Home . . . and the Amistad II Care Center. . . ." You assert that the department must withhold the requested information based on section 552.101 of the Government Code. We agree.

You enclosed a blank form 3618 and a copy of a computer printout status report of a resident that contains most of the information on the form 3618. You explain that the 3618 form and the computer printout contain information concerning Medicaid recipients.

Section 12.003(a) of the Human Resources Code provides:

(a) Except for purposes directly connected with the administration of the department's assistance programs, it is an offense for a person to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of the names of, or any information concerning, persons applying for or receiving assistance if the information is directly or indirectly derived from the records, papers, files, or communications of the department or acquired by employees of the department in the performance of their official duties.

This provision prohibits the release of *any* information about welfare applicants and recipients, unless the release is for a purpose related to the administration of the department's assistance programs. See Open Records Decision No. 584 (1991). We believe section 12.003 of the Human Resources Code prohibits the department from releasing the requested information. Accordingly, the department must withhold the information from required public disclosure under section 552.101 of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 27431

Enclosures: Submitted documents

cc: Ms. Melinda Goff, R.N.
Medical-Legal Consultant
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(w/o enclosures)